

Docket No. F-6959

Ser. No. 09/845,975

REMARKS

Claims 30-55 remain in this application. Claims 30-35, 38-42, 48-52 and 55 are rejected. Claims 36, 37, 43-47, 53 and 54 are objected to. Claims 1-29 are previously cancelled. Claims 43-46 are amended herein to broaden language as deemed appropriate in view of the cited art.

INTERVIEW ACKNOWLEDGMENT

The applicant and applicant's attorney appreciate the Examiner's granting of the telephone interview conducted on October 7, 2004, and extend their thanks to the Examiner for his time and consideration. Details of the interview discussions are presented below in relation to the pertinent subject matter of the Office Action.

CLAIM REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claims 30-35, 38-42, and 48-52 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Cole reference. Claim 55 is rejected as obvious over the Cole reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses these rejections.

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During the aforesaid interview claim 30 and the Cole reference were discussed. Applicant's attorney pointed out that the Cole reference failed to disclose the following combination of features:

said width of said recess opening being sufficiently wide to permit pivoting of said recess engaging member in said recess thereby permitting an angle defined by said outer surface and said side surface to be varied; and

locking means for locking said first leaf relative to said side surface to adjustably set said angle defined by said outer surface and said side surface to be varied.

The Examiner indicated that he felt the engaging member 65 had sufficiently play to be pivotable. With regard to the locking means, the Examiner stated the screws 74 and 76 would lock the engaging member in place. It was explained by applicant's attorney that the engaging member 65 is not designed to pivot as claimed and is merely adjustable relative to the jamb in an up and down direction. It was further explained that the claimed locking means is clearly absent from the reference because the screws 74 and 76 can only serve to lock the engaging means and hinge leaf 66 in a single position which is flat against the bearing surfaces 61, 62, and 63 which are coplanar. Col. 3, line 64 to col. 4, line 2. Thus, when the leaf is locked in place, there is no possible selection of angle relative to the jamb. The angle is zero, always. Thus, the reference fails to teach the claimed locking means which permits locking the leaf to adjustably set the angle between the leaf the outer surface and the side surface of the jamb.

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After consultation with his primary Examiner, the Examiner agreed that the application of the Cole reference would be withdrawn and a further search conducted upon the filing of a response to the Office Action. The Examiner further indicated that he did not see a reason not to enter the present amendments.

Thus, it is respectfully submitted that the rejected claims are not anticipated by nor rendered by the cited reference for the reasons stated above. Reconsideration of the rejections of the claims and their allowance are respectfully requested.

INTERVIEW SUMMARY REQUESTED

The Examiner agreed to issue an Interview Summary documenting the above described interview. As of this date, applicant's attorney has not received the Interview Summary. Issuance of the Interview Summary is again requested.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,
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